

## CHAPTER 08 BUSINESS REGULATIONS

### ARTICLE 8-12. TEEN DANCE HALLS

#### Sec. 8-12-1. Definitions in General

The definitions in A.R.S. tit. 9 (A.R.S. § 9-101 et seq.) shall be applicable to this Article unless a term is specifically defined in this Article, or unless the context requires otherwise.

#### Sec. 8-12-2. Definitions Pertaining to this Article

For the purposes of interpretation of this Article, the following words and phrases shall mean:

(a) *Applicant* – Any Person filing an Application with the City for a Teen Dance Hall License.

(b) *Application* – An application for a Teen Dance Hall License. The Application shall contain the full name of the Applicant, the Applicant's residential and business addresses and telephone numbers, the name of the business for which the License is sought and any additional information the City deems necessary.

(c) *Business Owner* – Any legal owner of a Teen Dance Hall or Teen Dance Activity.

(d) *Control* – The power to direct or cause the direction of the management and policies of an Applicant, Licensee or Controlling Person, whether through the ownership of voting securities or a partnership interest, or by agreement or otherwise. Control is presumed to exist if a Person has the direct or indirect ownership of or power to vote ten percent (10%) or more of the outstanding voting securities of the Applicant, Licensee or Controlling Person or to control in any manner the election of one or more of the directors of the Applicant, Licensee or Controlling Person. For the purposes of determining the percentage of voting securities owned, controlled or held by a Person, the voting securities of any other Person directly or indirectly controlling, controlled by or under common control with the other Person, or by an officer, partner, employee or agent of the Person or by a spouse, parent or child of the person shall be included. Control is also presumed to exist if a creditor of the Applicant, Licensee or Controlling Person holds a beneficial interest in fifty percent (50%) or more of the liabilities of the licensee or Controlling Person.

(e) *Controlling Person* – A Person directly or indirectly possessing Control of an Applicant or Licensee.

(f) *Licensee* – Any Person to whom the City has issued a License under this Article or any Person acting on behalf of such Person.

(g) *Licensing Office* - The Finance Department for the City of Maricopa or other department as designated by the City Manager.

(h) *Minor Traffic Violation* - A conviction or finding of responsibility not to include the following, which shall be considered serious traffic violations: excessive speeding involving a single offense for a speed of fifteen miles per hour or more above the posted speed limit; reckless driving as provided by A.R.S. §§28-693; aggressive driving as

provided by Section A.R.S. §§28-695; racing as defined in A.R.S. §§28-708; improper or erratic traffic lane changes as provided by A.R.S. §§28-729; following the vehicle ahead too closely as provided by A.R.S. §§28-730; a violation that is connected with a fatal traffic accident; driving a motor vehicle if the person has not been issued a valid driver license; driving a motor vehicle without a driver license in the person's possession; driving a motor vehicle without having a valid endorsement for the type of motor vehicle or motor vehicle combination being operated.

(i) *Owner* – The owner of record, as shown by the records in the office of the county assessor, of the premises where a Teen Dance Hall is located. “Business owner” means any legal owner of a Teen Dance Hall or Teen Dance Activity.

(j) *Person* – Any individual, partnership, limited partnership, firm, corporation, association, or any other group acting as a unit.

(k) *Police Department* – The Police Department for the City of Maricopa.

(l) *Smoke* – Carrying or placing of a lighted cigarette, lighted cigar, lighted pipe or any other lighted smoking equipment in one's mouth for the purpose of inhaling and exhaling smoke or blowing smoke rings; placing of a lighted cigarette, lighted cigar, lighted pipe or any other lighted smoking equipment in an ashtray or other receptacle and allowing smoke to diffuse in the air; or carrying or placing of a lighted cigarette, lighted cigar, lighted pipe or any other lighted smoking equipment in one's hands or any appendage or devices and allowing smoke to diffuse in the air.

(m) *Teen Dance Activity* – Social dancing by person(s) under twenty-one (21) years of age unaccompanied by a parent or guardian at which an admission or minimum fee is charged.

(n) *Teen Dance Hall* – Any place where a Teen Dance Activity takes place or is provided. The term includes the building or pavilion or other place where the Teen Dance Activity takes place, together with all surrounding premises used for parking or for any other purpose relating to the Teen Dance Activity.

(o) *Teen Dance Hall License or License* – Authorization issued by the City to any Person to operate a Teen Dance Hall.

#### **Sec. 8-12-3. Applicability; Provisions Cumulative**

(a) The provisions of this Article shall apply to all Teen Dance Halls and Persons as defined herein.

(b) The provisions of this Article shall be in addition to any other regulations, privilege or license taxes or permit requirements required by the City, the state or other applicable agency and cumulative to any other applicable regulations, procedures or penalties.

(c) The provisions of this Article shall not apply to any Teen Dance Activity or Teen Dance Hall conducted by a religious or governmental organization, or by a nonprofit organization with an IRS 501(c)(3) status or other nonprofit, eleemosynary or charitable designation approved by the Licensing Office, when the Teen Dance Activity or Teen Dance Hall is conducted on the premises of or sponsored by the religious, governmental or nonprofit organization.

#### **Sec. 8-12-4. License Application; Fee; Timeline**

- (a) Any Person desiring to obtain a Teen Dance Hall License must apply to the Licensing Office. Each Application must be accompanied by all required application fees.
- (b) Upon approval, and prior to issuance of the Teen Dance Hall License, the Applicant must pay all required license fees.
- (c) An Application will be granted or denied within the schedule of administrative and substantive review timeframes, as established by the Licensing Office.
- (d) Fees are not prorated, transferable or refundable unless otherwise provided by law.

#### **Sec. 8-12-5. Teen Dance Hall License Required**

- (a) It is unlawful for any Person to conduct or operate as a Teen Dance Hall in the City without first obtaining and maintaining in effect a current, unrevoked and unsuspended Teen Dance Hall License as required by this Article.
- (b) It is unlawful for any Person licensed as provided in this Article to operate under any name or conduct business under any designation not specified in the License.
- (c) It is unlawful for any Person licensed as provided in this Article to conduct business at any location not specified on such License.
- (d) The License required by this Article is in addition to any other licenses or permits required by any governmental authority necessary to lawfully conduct business.

#### **Sec. 8-12-6. Teen Dance Hall License Application; Contents**

(a) Each Application for a Teen Dance Hall License shall include a description of the proposed business activity. Such description shall include, but not be limited to, the following information. Paragraphs (1) through (9) below are required to be completed about the Applicant, the Business Owner, the Licensee if not the applicant or the Business Owner, the agent responsible for managing the premises on a day to day basis (hereinafter “managing agent”) and any Controlling Person as defined herein:

- (1) Full legal name and any name by which the Person is or has been known;
- (2) Current home address and telephone number and addresses over the past five (5) years;
- (3) Driver’s license number or other government-issued, federally recognized identification;
- (4) Birth date, height, weight, hair and eye color;
- (5) Business occupation and employment history for five (5) years;
- (6) License history, including issuance, revocation, suspension or termination of any current or past Teen Dance Hall Licenses;
- (7) The prospective Licensee shall submit to a fingerprinting process as directed by the Licensing Office for the purpose of obtaining a state or federal, or both, criminal records check pursuant to A.R.S. § 41-1750 and Public Law (PL) 92-544. The Department of Public Safety is authorized to exchange this fingerprint data with the Federal Bureau of Investigation. Fingerprints must be submitted on fingerprint cards provided by the Licensing Office or designee.

(8) Listing of any prior felony or misdemeanor convictions except Minor Traffic Violations;

(9) Documentation of age over eighteen (18) years;

(10) Designation of the managing agent who will be managing or operating the Teen Dance Hall at the indicated location and proof of the managing agent's authorization to act on behalf of the prospective Licensee;

(11) Name, address and telephone number of any other local agent authorized to conduct daily business and proof of authority to act on behalf of the prospective Licensee;

(12) Name, address and telephone number of statutory agent in Arizona if a corporation or an out-of-state Applicant, Licensee or Owner;

(13) Except for corporations listed on the major stock exchanges, the names and addresses of all Persons financially interested in the business. If a Person financially interested in the business of the prospective Licensee is a corporation, the names and addresses of all Persons financially interested in that corporation shall be provided;

(14) The names and addresses of any Controlling Persons as defined herein. If the Controlling Person is a corporation, the names and addresses of all Persons having Control of the controlling corporation shall be provided;

(15) A plan of operation to ensure compliance with Section 8-12-19 and all other applicable provisions of this Article;

(16) Evidence of current, valid conditional use permit or any other applicable zoning approval for the proposed activity issued by the City;

(17) Legal description and location of the premises and lot where the proposed Teen Dance Activity will take place, submitted on a map drawn to scale, at least eight and one-half by eleven inches, showing the dimensions of the property and the name and width of all internal and abutting streets, roads or alleys, any existing buildings, fences and easements, with distances to property lines;

(18) Floor plan containing an accurate drawing to scale depicting the interior plan and layout of the premises; and

(19) Such other information as may be requested by the Licensing Office to determine the truth of the information required to be set forth above.

(b) Any change in ownership of the business or in the information required to be provided in paragraphs (1), (10), (11), (12), (13) or (18) above shall be reported to the Licensing Office within ten (10) calendar days after the change. Such changes shall be subject to investigation and approval by the City as provided in Subsection (c) set forth below and, if disapproved, the disapproval shall be grounds for termination of the License as provided in Section 8-12-14 of this Code. The requirement for reporting changes as required herein is effective at all times during the City's consideration of the Application and at all times when a License issued hereunder is in effect. All information set forth above in paragraphs (1) through (19) must be updated at the time of the renewal of the License.

(c) Any change in the plan of operation or security plan in paragraph (15) above must be approved by the City prior to the change becoming effective. Failure to comply with an approved plan of operation, program plan or security plan shall constitute grounds for termination of the license as provided in Section 8-12-14.

(d) The Police Department shall conduct an investigation of the Application and background of the Applicant and proposed Licensee. Based on such investigation, the Police Department shall recommend to the Licensing Office the approval or denial of the License. In addition, the development services department and fire department, and any other affected department, may inspect any premises proposed as the site of the establishment and may make separate recommendations to the Licensing Office concerning compliance with the provisions of this Article and applicable codes.

**Sec. 8-12-7. Location of Teen Dance Hall**

Refer to the City of Maricopa Zoning Code for location requirements. A Teen Dance Hall License will not be issued for any location not permitted in the City of Maricopa Zoning Code.

**Sec. 8-12-8. Payment of Fees and Taxes**

An Application for a Teen Dance Hall License will not be processed or renewed if the applicant is delinquent in payment of any City taxes, fees, renewals or other City payments due in accordance with Section 8-1-3 of this Code.

**Sec. 8-12-9. Fees**

- (a) An Application for a Teen Dance Hall License must be accompanied by all fees required by this Chapter or by any other applicable laws, rules or regulations.
- (b) In order for an Application to be administratively complete, all fees must have been submitted.
- (c) Submission of the annual renewal form must include the annual fee before it will be processed.
- (d) Fees are not prorated, transferable or refundable unless otherwise provided by law.

**Sec. 8-12-10. Term of License**

The Teen Dance Hall License, issued pursuant to the provisions of this Article, shall be valid only during the calendar year in which it is issued. Any License may be renewed by filing a renewal application for approval and paying the renewal fee before the first day of the year in which the Applicant wishes to be licensed.

**Sec. 8-12-11. Public Hearing on Teen Dance Hall License; Notice**

Refer to the City of Maricopa Zoning Code for requirements.

**Sec. 8-12-12. Inspection of Premises, Property and Records**

To ensure compliance with this Article and other applicable laws, the business premises of any Person required to be licensed under this Article, including any property on the premises related to the Teen Dance Hall, must be open to inspection by representatives of the City upon request at any time during the Licensee's regular business hours, or reasonable hours as agreed upon by the Licensee and the City.

### **Sec. 8-12-13. Grounds for Denial**

The following include, but are not limited to, grounds for denial of an Application for a Teen Dance Hall License:

- (a) The Applicant, or proposed conduct of the Teen Dance Hall, fails to meet the requirements of this Article or any other applicable provision of this Code or law;
- (b) The Applicant does not have an acceptable plan for compliance in accordance with Section 8-12-19 of this Article on requirements for operation;
- (c) The Applicant is a corporation which is not qualified to transact business in the state;
- (d) Misrepresentations or material misstatements are made in the Application;
- (e) Harm to the public health, safety or welfare of the community, or clear or present danger of serious damage or danger to the public, would result from granting the License; or
- (f) A Business Owner, or a managing agent, an Applicant, other managing employee or a Controlling Person in the business to be licensed has been convicted of:
  - (1) A felony; or
  - (2) A misdemeanor which relates to the activity to be licensed, or has, within two (2) years preceding the date of the issuance of a license, violated any of the provisions of this Article or the Maricopa City Code while conducting a Teen Dance Activity.

### **Sec. 8-12-14. Grounds for Revocation, Suspension, or Non-Renewal of License**

(a) In addition to the automatic termination of a License as provided in this Article, the license may be revoked, suspended or denied renewal for any one or more of the following grounds:

- (1) The Licensee has violated the requirements of this Article or any other applicable provision of this Code or law;
- (2) The Licensee has been convicted of fraud in conducting the business or was deceitful in obtaining a License to conduct the business;
- (3) The Licensee has been convicted in a court of competent jurisdiction of a felony or of any misdemeanor which relates to the licensed activity;
- (4) The Licensee is grossly ignorant or willfully negligent in the business of the Teen Dance Hall;
- (5) The Licensee fails to comply with the terms of the plan of operation as approved by the City;
- (6) There occurs on the premises repeated acts of violence or disorderly conduct;
- (7) The Licensee or any employee or managing agent thereof fails or refuses to make the premises or records available for inspections and examination as provided in this Article;

(8) The Licensee knowingly files an Application or other document with material information which is false or misleading or knowingly gives testimony in an investigation or other proceeding which is false or misleading;

(9) The Licensee is delinquent for more than thirty (30) days in the payment of any applicable taxes or fees payable to the City following formal notice of delinquency;

(10) The Licensee fails to take reasonable steps to protect the safety of a customer of the Licensee entering, leaving or remaining on the licensed premises when the Licensee knew or should have known of the danger to such person, or the Licensee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the licensed premises or immediately adjacent to the premises when the Licensee knew or reasonably should have known of such acts of violation or altercations;

(11) The Licensee, his managing agent, a Controlling Person or other managing employee knowingly associates with a Person who has engaged in racketeering, as defined in A.R.S. § 13-2301, or has been convicted of a felony and the association is of such a nature to create a reasonable risk that the Licensee will fail to conform to the requirements of this Article or any criminal statute of this state; or

(12) Any completion of non-permitted improvements to the premises of the Teen Dance Hall occurs without appropriate approvals from the City.

(b) Upon discovery of a violation, the provisions of Section 8-1-10 of this Chapter shall go into effect.

#### **Sec. 8-12-15. Appeals**

Any Person aggrieved by the denial of an Application for License or by the restrictions placed upon the License or by the suspension or revocation of such License, and who is not satisfied with the decision of the City Manager or designee, shall have the right to an appeal before the City Council in accordance with Section 8-1-11 of this Chapter.

#### **Sec. 8-12-16. Application after Denial or Termination**

No person may apply for a Teen Dance Hall License within one year from:

(a) The denial of any such License to the Applicant; or

(b) The suspension, revocation, termination or non-renewal of such License unless the cause of the denial, suspension, termination, revocation or nonrenewal has been, to the satisfaction of the Licensing Office, removed in such time.

#### **Sec. 8-12-17. Display of License**

A Licensee shall display such License in a conspicuous place in the Teen Dance Hall.

#### **Sec. 8-12-18. Transferability; Automatic Termination of License**

(a) Licenses issued hereunder are not transferable.

(b) The following shall result in automatic termination of an Teen Dance Hall License:

- (1) Any change in location of a licensed Teen Dance Hall;
  - (2) Upon the sale or transfer of more than fifty percent (50%) of the stock or ownership of the Teen Dance Hall; or
  - (3) Upon the revocation or termination of any use permit or other zoning approval issued by the City relating to the Teen Dance Hall.
- (c) A new application may be made by the Person whose License is terminated as provided in this section, or by another Person desiring to own or operate a Teen Dance Hall.

**Sec. 8-12-19. Requirements for Operation of Establishment; Plan of Operation; Program Plan and Security Plan Required**

(a) A Teen Dance Hall shall comply with this Article and all applicable City and state laws and ordinances, including but not limited to fire and building and zoning codes. In addition, the following requirements apply:

- (1) No Teen Dance Hall may be open and no Teen Dance Activity may be conducted on any day after 11:30 p.m. unless otherwise specified in the Teen Dance Hall License issued by the City. In no event shall any person fifteen (15) years of age or under be allowed on the premises of a Teen Dance Hall or activity after 10:00 p.m.;
- (2) Patrons over twenty (20) years of age or under fifteen (15) years of age are prohibited at a Teen Dance Activity or in a Teen Dance Hall;
- (3) Written proof of identification shall be required for admission to a Teen Dance Hall to ensure compliance with paragraph (2) of this section. The following written instruments are the only acceptable types of identification:
  - (i) An unexpired driver's license issued by any state, provided such license includes a picture of the licensee;
  - (ii) An identification license issued pursuant to state law;
  - (iii) An armed forces identification card;
  - (iv) A valid unexpired passport issued by a government which contains a photograph of the person and the date of birth; or
  - (v) An unexpired identification card issued by a public or private school or educational institution which contains a date of birth and photograph.
- (4) No Person shall be admitted to, nor shall any Person be allowed to remain on, the licensed premises who is or appears to be under the influence of spirituous liquor or drugs or who is disturbing the peace;
- (5) No spirituous liquor may be furnished, sold, served, displayed, visible or consumed at a Teen Dance Hall during the hours that the Teen Dance Activity is conducted. If the Teen Dance Hall Licensee holds a liquor license from the state, spirituous liquor service, display and consumption must terminate during the hours that the Teen Dance Activity is conducted;
- (6) No Person shall Smoke nor shall tobacco in any form be consumed or possessed by a minor, nor dispensed, displayed or visible to any minor, at a Teen Dance Hall during the hours that a Teen Dance Activity is conducted;



(7) Admittance and any admittance lines for entry to the Teen Dance Hall shall be closed at 10:30 p.m. or at such other time prescribed in the License issued by the City. In no event shall a patron be allowed to exit and subsequently re-enter the dance hall during a Teen Dance Activity;

(8) Any parking used by patrons of the Licensee, any parking area of the Licensee, and any parking area within three hundred (300) feet of the licensed premises shall be supervised by the Licensee to ensure that the parking areas are used by persons entering and exiting from their vehicles and are not used as a gathering place, or for consumption or illegal possession of spirituous liquor or tobacco, and conform with the security plan approved by the City;

(9) A plan of operation which demonstrates how the Licensee will ensure compliance with these regulations shall accompany the application and is subject to approval by the Police Department. Any change in the plan of operation shall be submitted to the City at least ten (10) days prior to the proposed change becoming effective and must be approved by the City prior to becoming effective;

(10) A program plan shall be provided to the City prior to issuance of the License. The program plan shall be updated and resubmitted on a quarterly basis and include a calendar of regular and special teen events, programs or concerts for the upcoming quarter, including target audience or market, expected attendance, entertainment and format, and security plan modifications. Security plan modifications must be approved by the Police Department. Any changes occurring after submission of the program plan shall be submitted to the Police Department at least fifteen (15) days prior to the proposed program or change taking effect and shall be accompanied by proposed amendments or additions to the security plan;

(11) A security plan, including security staffing and qualifications, lighting, landscaping, building and parking security and other aspects sufficient to address interior and exterior safety of patrons and the public, and any other items requested by the Police Department or Licensing Office, shall be submitted for approval by the Police Department prior to issuance of a License. Any change in the security plan after submission or after approval shall be submitted ten (10) days prior to the proposed change becoming effective and must be approved by the Police Department prior to becoming effective; and

(12) Other regulations and conditions may be required for a Licensee or for all licensees generally as the City Council deems desirable.

(b) A copy of the plan of operation, program plan and security plan shall be available at the Teen Dance Hall for inspection by the City during business hours and at other reasonable times. The plans shall include such information as required by the Licensing Office, including identification of employees, agents or private contractors who are responsible for security and ensuring compliance with the terms of this Article.

#### **Sec. 8-12-20. Security Plan Required**

The applicant shall furnish to the Licensing Office, for review and approval by the Police Department, a security plan containing the following information:

- (a) Plan of operation, program plan and hours;
- (b) Site/building information;

- (c) Safety conditions;
- (d) Patron parking, ingress and egress, vehicular and pedestrian traffic control;
- (e) Staffing and operations;
- (f) Conditions of plan;
- (g) On-site contact person/manager;
- (h) Any and all responsible parties for business operations;
- (i) Floor plan and evacuation routes; and
- (j) Any other reasonable information the Police Department deems necessary for review and approval of the security plan.

**Sec. 8-12-21. Unlawful Activities**

It is unlawful for any Person or Licensee at a Teen Dance Hall to:

- (a) Operate without any required City or state permit or in violation of any applicable City or state law or ordinance;
- (b) Admit persons over twenty (20) years of age or under (15) years of age;
- (c) Allow an intoxicated or disorderly person to come into or remain on the licensed premises;
- (d) Knowingly permit unlawful possession, use, or sale of narcotics, dangerous drugs or marijuana;
- (e) Knowingly permit prostitution or solicitation of prostitution;
- (f) Knowingly permit unlawful gambling on the premises;
- (g) Knowingly permit trafficking in stolen property;
- (h) Fail or refuse to make the premises or records, or the plan required in Section 8-12-19 available for inspection as provided in this article; or
- (i) Employ or permit a person to be employed on a salary, contractor commission basis for the purpose of dancing with patrons, except that this shall not apply to bona fide instructors of dancing regularly employed for the exclusive purpose of giving bona fide instructions for dancing.

**Sec. 8-12-22. Penalty**

- (a) A violation of this Article is an offense, punishable as provided in Article 1-8 of this Code. Each day on which a violation continues shall be a separate offense.
- (b) In addition to the penalties provided for in this Section, a violation of this Article is grounds for revocation of a business license as provided in Section 8-12-14 of this Article.